

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY**

**GENERAL ORDER 10-09**

**FILED  
April 30, 2010**

**IN RE:           CIVIL AND CRIMINAL MAGISTRATE JUDGE  
                  CASE ASSIGNMENTS**

**ORDER**

By unanimous agreement of the Judges of this Court, with regard to the assignment of civil and criminal cases filed in this Court, which are referred to the United States Magistrate Judges of the Court, effective May 1, 2010, and the Court being sufficiently advised,

**IT IS HEREBY ORDERED AS FOLLOWS:**

1. All motions to vacate, correct or modify a sentence pursuant to 28 U.S.C. §2255, pro se civil rights, prisoner cases, petitions for writ of habeas corpus pursuant to 28 U.S.C. §2254 filed with the Court, regardless of the docket to which the case is assigned, shall be divided equally by a blind rotating draw and referred among full-time United States Magistrate Judges Edward B. Atkins, Robert E. Wier, Candace J. Smith and J. Gregory Wehrman, with the exception of death penalty cases, which are referred by the Administrative Order regarding Death Penalty Cases.
2. All other cases on the Ashland docket shall be referred to Magistrate Judge Edward B. Atkins. If Magistrate Judge Atkins recuses from an Ashland case, the case is assigned to Magistrate Judge Smith. If both Magistrate Judges recuse, the matter will be submitted to the Chief Judge for reassignment.
3. All other cases on the Covington docket shall be referred based on the random case assignment blind draw set forth in Standing Order Misc. 10-1 filed on February 23, 2010. If Magistrate Judge Smith recuses from a Covington case, the case is assigned to Magistrate Judge Wehrman. If Magistrate Judge Wehrman recuses from a Covington case, the case is assigned to Magistrate Judge Smith. If both Magistrate Judges recuse, the matter will be submitted to the Chief Judge for reassignment.
4. All civil cases on the Frankfort docket shall be referred to Magistrate Judge Atkins. If Magistrate Judge Atkins recuses from a Frankfort civil case, the

case is assigned to Magistrate Judge Smith. If both Magistrate Judges recuse, the matter will be submitted to the Chief Judge for reassignment.

5. All criminal cases on the Frankfort docket shall be referred to Magistrate Judge Wier. If Magistrate Judge Wier recuses from a Frankfort criminal case, the case is assigned to Magistrate Judge Atkins. If both Magistrate Judges recuse, the matter will be submitted to the Chief Judge for reassignment.
6. All civil cases on the Lexington docket shall be referred to Magistrate Judge Wier. If Magistrate Judge Wier recuses from a Lexington civil case, the case is assigned to Magistrate Judge Atkins. If both Magistrate Judges recuse, the matter will be submitted to the Chief Judge for reassignment.
7. All criminal cases on the Lexington docket shall be referred to Magistrate Judge Wier. If Magistrate Judge Wier recuses from a Lexington criminal case, the case is assigned to Magistrate Judge Atkins. If both Magistrate Judges recuse, the matter will be submitted to the Chief Judge for reassignment.
8. All civil cases on the London docket shall be referred to Magistrate Judge Atkins. If Magistrate Judge Atkins recuses from a London civil case, the case is assigned to Magistrate Judge Wier. If both Magistrate Judges recuse, the matter will be submitted to the Chief Judge for reassignment.
9. All criminal cases on the London docket shall be referred to Magistrate Judge Wier. If Magistrate Judge Wier recuses from a London case, the case is assigned to Magistrate Judge Atkins. If both Magistrate Judges recuse, the matter will be submitted to the Chief Judge for reassignment.
10. All other cases on the Pikeville docket shall be referred to Magistrate Judge Atkins. If Magistrate Judge Atkins recuses from a Pikeville case, the case is assigned to Magistrate Judge Wier. If both Magistrate Judges recuse, the matter will be submitted to the Chief Judge for reassignment.
11. The United States Magistrate Judges shall, to the fullest possible extent, conduct the Court proceedings in all matters assigned to them at the place where the case is docketed.
12. The United States Magistrate Judges are authorized to reassign any of their assigned cases to another Magistrate Judge willing to accept it.
13. This order shall supersede the Court's General Order 10-4, filed March 17, 2010, regarding the work of the Magistrate Judges of this Court.

This the 30th day of April, 2010.

s/ Jennifer B. Coffman  
JENNIFER B. COFFMAN  
CHIEF UNITED STATES DISTRICT JUDGE  
EASTERN DISTRICT OF KENTUCKY